IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6081 of 2007()

CR.NO.150/07 OF CHENGANNOOR EXCISE RANGE

PETITIONER : ACCUSED:

BABU.C., AGED 30, ULIYANATTU
KIZHAKKETHIL, PERSSERY P.O., PULIYOOR VILLAGE,
CHENGANNOOR TALUK, ALAPPUZHA DISTRICT.

BY ADV. SRI.AJITH MURALI

RESPONDENTS:

STATE OF KERALA REPESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6081 of 2007

Dated this the 8th day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was found in possession of 2 litres of arrack on 20.09.07. He was arrested and continues in custody from that date. The learned Public Prosecutor submits that the petitioner has two other earlier crimes under the Abkari Act registered against him. In one of those crimes, the learned Public Prosecutor points out that, the petitioner along with the co-accused was allegedly found to transport 340 litres of spirit.

2. The learned Public Prosecutor submits that though the quantity of liquor seized is only 2 litres in this case and the petitioner has remained in custody for a period exceeding one remand, the State is obliged to oppose the application considering the antecedents of the petitioner.

3. I find merit in the opposition by the learned Public Prosecutor. In the wake of the opposition by the learned Public Prosecutor regular bail can be granted to the petitioner only if this Court is in a position to entertain both satisfactions contemplated under Section 41 A of the Kerala Abkari Act. In the facts and

circumstances of the case, I am not at all persuaded to entertain either of those two satisfactions. I find merit in the opposition of the learned Public Prosecutor. In a case like this the investigator is certainly entitled to reasonable further time to complete the investigation.

3. This application is, in these circumstances, dismissed. I may hasten to observe that the petitioner shall be at liberty to move the courts below or this Court for bail again at a later stage of the proceedings, not, at any rate, prior to 17.10.2007. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-